

June 18, 2010

AGENDA  
ILLINOIS CIVIL SERVICE COMMISSION  
June 18, 2010

I. OPENING OF MEETING AT 11:00 A.M. AT 160 NORTH LASALLE STREET,  
SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD MAY 21, 2010

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR  
MEETING HELD MAY 21, 2010?**

June 18, 2010

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

**A. Report on Exempt Positions**

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging .....	143.....	11
Agriculture .....	427.....	16
Arts Council.....	19.....	2
Capitol Development Board .....	45.....	0
Central Management Services .....	1,425.....	115
Children and Family Services .....	3,015.....	48
Civil Service Commission .....	4.....	0
Commerce & Economic Opportunity .....	419.....	68
Commerce Commission.....	71.....	0
Corrections.....	11,161.....	106
Criminal Justice Authority.....	59.....	5
Deaf and Hard of Hearing Comm. ....	7.....	1
Developmental Disabilities Council .....	10.....	1
Emergency Management Agency .....	93.....	7
Employment Security.....	1,954.....	29
Environmental Protection Agency .....	919.....	17
Financial & Professional Regulation .....	492.....	41
Gaming Board.....	80.....	5
Guardianship and Advocacy .....	111.....	7
Healthcare and Family Services.....	2,289.....	26
Historic Preservation Agency .....	198.....	11
Human Rights Commission .....	14.....	2
Human Rights Department .....	146.....	9
Human Services .....	13,744.....	75
Insurance.....	233.....	11
Investment Board.....	3.....	1
Juvenile Justice .....	1,223.....	20
Labor.....	81.....	7
Labor Relations Board Educational .....	12.....	2
Labor Relations Board State .....	18.....	2
Law Enforcement Training & Standards Bd.....	17.....	2
Medical District Commission .....	2.....	0
Military Affairs .....	121.....	3
Natural Resources .....	1,261.....	25
Pollution Control Board.....	20.....	1
Prisoner Review Board .....	20.....	0
Property Tax Appeal Board .....	21.....	1
Public Health.....	1,083.....	43
Racing Board .....	2.....	0
Revenue .....	2,012.....	61
State Fire Marshal.....	137.....	12
State Police .....	1,326.....	5
State Police Merit Board.....	6.....	1
State Retirement Systems .....	80.....	2
Transportation.....	2,295.....	0
Veterans' Affairs.....	1,174.....	7
Workers' Compensation Commission .....	173.....	8
TOTALS .....	48,165.....	816

**B. Governing Rule – Section 1.142 Jurisdiction B Exemptions**

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
  - 1) The amount and scope of principal policy making authority;
  - 2) The amount and scope of principal policy administering authority;
  - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
  - 4) The capability to bind the agency, board or commission to a course of action;
  - 5) The nature of the program for which the position has principal policy responsibility;
  - 6) The placement of the position on the organizational chart of the agency, board or commission;
  - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

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**C1. Illinois Department of Natural Resources – Proposed Exemption (continued from May 21, 2010)**

Position Number	40070-12-00-200-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of the Director
Functional Title	Deputy Director
Incumbent	Vacant
Supervisor	Director
Location	Franklin County

**C2. Illinois Department of Natural Resources – Proposed Exemption (continued from May 21, 2010)**

Position Number	40070-12-00-600-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of the Director
Functional Title	Manager of the Illinois Coastal Zone Program
Incumbent	Vacant
Supervisor	Director
Location	Cook County

**CMS Recommendation:** “These positions meet the reporting criteria of the Commission Rules and considering the similarities of these requested positions with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

**D. Illinois Department of Agriculture – Proposed Exemption<sup>1</sup>**

Position Number	40070-11-01-000-00-02
Position Title	Senior Public Service Administrator
Bureau/Division	Office of the Director
Functional Title	Statewide Project Manager for Economic Development
Incumbent	Vacant
Supervisor	Director
Location	Perry County

**CMS Recommendation:** “This position meets the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

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<sup>1</sup> This position’s 4d(3) exemption was previously rescinded on November 20, 2009.

**E. Illinois Department of Human Services – Proposed Exemption**

Position Number	40070-10-41-200-00-20
Position Title	Senior Public Service Administrator
Bureau/Division	Rehabilitation Services
Functional Title	Superintendent of Schools, Division of Rehabilitation Services
Incumbent	Vacant
Supervisor	Associate Director, Rehabilitation Services, who reports to the Assistant Secretary, who reports to the Secretary
Location	Morgan County

**CMS Recommendation:** “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

**F. Illinois Department of Human Services – Proposed Exemption**

Position Number	40070-10-66-200-10-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of the Director
Functional Title	Associate Deputy Director of State Operated Developmental Center Operations, Division of Developmental Disabilities
Incumbent	Vacant
Supervisor	Deputy Director for State Operated Developmental Facilities, who reports to the Assistant Secretary, who reports to the Secretary
Location	Cook County

**CMS Recommendation:** “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

**WILL THE COMMISSION GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS?**

- C1: Deputy Director, DNR**
- C2: Manager of the Illinois Coastal Zone Program, DNR**
- D: Statewide Project Manager for Economic Development, Agriculture**
- E: Superintendent of Schools, Division of Rehabilitation Services, DHS**
- F: Associate Deputy Director of State Operated Developmental Center Operations, Division of Developmental Disabilities, DHS**

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V. CONSIDERATION OF THE STATUS OF PRIVATE SECRETARIES EXEMPT FROM JURISDICTION B OF THE PERSONNEL CODE

VI. CLASS SPECIFICATIONS

The following class titles were submitted for creation and revision by the Director of Central Management Services:

**A. Human Rights Mediation Supervisor  
Human Rights Mediator**

Classification Analysis: “The Department of Human Rights requested the creation of a new class specification, Human Rights Mediation Supervisor. The new class will supervise Human Rights Mediators. The Department has received approval to add a third Mediator position to the two already established, and intends to expand the mediation Unit by adding a fourth position in Chicago and extending the unit to include the Department’s Springfield office. The review of mediator’s work is best suited for someone experienced in the field, and provides for a means to better manage this specialized program.

The Human Rights Mediator has been updated to improve the candidate pool for this work in cooperation with agency representatives and the Examining Division. In addition, the recommended changes will better serve to delineate the work of the staff mediators from the new supervisory level.”

**B. Internal Auditor Chief**

Classification Analysis: “The proposed new Internal Auditor Chief class has been developed to encompass positions which are required by the Fiscal Control and Internal Auditing Act as amended by Senate Bill 51, PA 096-0795. The amendatory Act returns responsibility for internal audit programs to the agencies, effective July 1, 2010. This responsibility was previously consolidated in CMS by Executive Order several years ago. Thirty-three agencies are identified as requiring the services of a full-time Internal Auditor Chief. This classification is needed to appropriately classify these chief auditor positions, and these are currently being prepared to implement the changes brought about by this legislation.

Internal Auditor Chief positions must report directly to the agency head, and be free of all operational responsibilities, serving as full-time internal auditors and managing the internal audit program for their respective agencies. In addition, employees must meet the education, experience, and certification requirements as defined in legislation for this work, and this has been incorporated into the class specification.

A new provision in legislation requires that the Internal Auditor Chief serve a five-year term upon appointment by the agency head. Further, an Internal Auditor Chief may be removed only for cause after a hearing before the Executive Ethics Commission.”

**C. Health Services Investigator II, Option C (Pharmacy)  
Drug Compliance Investigator**

Classification Analysis: “The Department of Financial and Professional Regulation requested the Drug Compliance Inspector and the Health Services Investigator II, Option C (Pharmacy) be reviewed to discover if the class specifications should be updated to reflect the changes to the Illinois Pharmacy Practice Act. It was concluded the changes are significant enough to revise the education and work requirements.

There are no incumbents in the Health Services Investigator II, Option C and the Drug Compliance Investigator has 4 incumbents. The revisions to these class specifications will not affect the incumbents.

**Health Services Investigator II, Option C (Pharmacy):** The revision to the educational requirements are more specific, currently a candidate must possess any type of bachelor’s degree with specific coursework; the Pharmacy Act now requires graduation from an accredited college of pharmacy or hold at a minimum, a Bachelor of Science degree in pharmacy. The work experience requirements are the same except that the candidate would need immediate prior experience as a pharmacist. This excludes any candidates that may have the degree but have not recently worked in the pharmacy field.

**Drug Compliance Investigator:** The revision to the educational requirements is less stringent, requiring graduation from a 4 year college or university instead of graduation from an accredited college of pharmacy. The work experience no longer requires five years professional experience but does require:

- 1) at least 2 years of investigative experience;
- 2) or have 2 years of responsible pharmacy experience;
- 3) or be a licensed Pharmacist.

Education and experience requirements for both classes are mandatory minimums in accordance with the Pharmacy Practice Act of 1987 (225 ILCS 85/10[1991]).”

**D. Liquor Control Special Agent II**

Classification Analysis: “The Department of Revenue has requested revisions to the Liquor Control Special Agent II class specification. Liquor Control Special Agents are responsible for conducting inspections and investigations of liquor manufacturers, distributors and retailers in an assigned territory to enforce compliance with the Illinois Liquor Control Act and the Illinois Liquor Control Commission’s rules and regulations.

There are two levels in the Liquor Control Special Agent series. A Liquor Control Special Agent I (LCSA 1) is responsible for conducting inspections and investigations of a routine nature. A Liquor Control Special Agent II (LCSA 2) conducts investigations of complex cases, provides guidance to and acts as a lead worker to LCSA 1s. In the event that an LCSA 1 incumbent is not available to perform the routine inspections, it is within the discretion of the area supervisor, a Public Service Administrator, to determine how to meet operational needs. An LCSA 2 is, at times, requested to conduct the routine inspections of an LCSA 1 in order to meet scheduling demands. Furthermore, the conditions for employment are such that the lead worker must possess the knowledge, skills and experience of the lower level. The revisions proposed for the LCSA 2 class specification involve:

- replacing supervision language with lead worker language-this class was designed to be a lead worker and not a supervisor;
- inserting an example of work to indicate that the LCSA 2 is responsible for conducting routine inspections and investigations; and
- providing examples of the situations that constitute the complex cases managed by the LCSA 2.

Please refer to the Class Specification Draft for exact language.”

**E. MH Recovery Support Specialist 1  
MH Recovery Support Specialist 2**

Classification Analysis: “The Department of Human Services is requesting language changes in The Desirable Requirements, Education and Experience sections of the Mental Health Recovery Support Specialist I and II classes. Both classes are being revised to make the requirements easier to define. The phrase ‘...work within a mental health wellness and recovery program setting...’ is being replaced with ‘...work within a mental health program setting...’, as the original language is not clear. Also, references to ‘significant disability’ and ‘two years recovery’ are being removed as there is no way to measure these items.

Finally, at the time the classes in this series were adopted, the certification process for the Certified Recovery Support Specialist (CRSS) was not complete and we relied on evidence of certification as a Wellness Recovery Action Planning (WRAP) Facilitator as a qualification for positions in both classes. Now that the certification process is completed, the agency prefers the CRSS as the sole qualification standard. Thus, the reference to WRAP certification is being removed from the qualifications in both class specifications.”

**F. Mental Health Administrator I  
Mental Health Administrator II**

Classification Analysis: “The Department of Human Services requested a revision of the Mental Health Administrator I & II classifications to remove the promotional requirement for completion of a formal training program because this is no longer felt to be necessary for the advancement of qualified employees within a facility setting. Representatives of the Examining Division advised that removal of the currently required training certificate for screening promotions to the Mental Health Administrator I & II would not be a problem for them. Thus, the required training certificate was removed.”

**WILL THE COMMISSION APPROVE THE CREATION AND REVISION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE JULY 1, 2010?**

- A. Human Rights Mediation Supervisor (new)  
Human Rights Mediator (revise)
- B. Internal Auditor Chief (new)
- C. Health Services Investigator II, Option C (Pharmacy) (revise)  
Drug Compliance Investigator (revise)
- D. Liquor Control Special Agent II (revise)
- E. MH Recovery Support Specialist 1 (revise)  
MH Recovery Support Specialist 2 (revise)
- F. Mental Health Administrator I (revise)  
Mental Health Administrator II (revise)

**WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY?**

VII. MOTION TO GO INTO EXECUTIVE SESSION

**PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT, WILL THE COMMISSION HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS FILED WITH THE COMMISSION, LITIGATION, AND/OR SPECIFIED EMPLOYMENT MATTERS?**

June 18, 2010

VIII. RECONVENE MEETING

IX. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Appointment Reports.

<b>Agency</b>	<b>4/30/10</b>	<b>5/31/10</b>	<b>5/31/09</b>
Aging	1	0	1
Central Management Services	0	0	1
Children and Family Services	6	6	12
Criminal Justice Authority	0	0	1
Employment Security	3	2	4
Healthcare and Family Services	1	0	16
Historic Preservation Agency	1	1	0
Human Services	2	2	1
Law Enforcement Training Standards Board	0	0	1
Natural Resources	1	0	0
Property Tax Appeal Board	1	1	1
Transportation	0	0	3
Veterans' Affairs	0	0	1
Workers' Compensation Commission	0	0	1
<b>Totals</b>	16	12	43

X. INTERLOCUTORY APPEALS

**GT-50-09**

Employee	Terese E. Burton	Appeal Date	06/26/09
Agency	DFPR	Decision Date	05/26/10
Type	Geographical Transfer	ALJ	Daniel Stralka
Issue(s)	Motion to Dismiss (relocation was not a geographical transfer as set forth in the Personnel Code and Rules)	Proposal for Decision	Grant Motion to Dismiss.

**DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?**

**DA-50-10**

Employee	Joseph W. Bradley	Appeal Date	04/28/10
Agency	DVA	Decision Date	06/04/10
Type	Discharge	ALJ	Andrew Barris
Issue(s)	Motion to Dismiss (no jurisdiction; probationary discharge)	Proposal for Decision	Grant Motion to Dismiss.

**DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?**

XI. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

**DA-16-10**

Employee	Sophia Rawlings	Appeal Date	11/03/09
Agency	DCFS	Decision Date	06/04/10
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Negligent performance of duties	Proposal for Decision	Charges are partially proven and warrant 90-day suspension.

**DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?**

**DA-46-10**

Employee	Nancy C. Yohnka	Appeal Date	03/18/10
Agency	DHS	Decision Date	06/04/10
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Failure to perform assigned duties; unauthorized absence	Proposal for Decision	Charges are proven and warrant 35-day suspension.

**DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?**

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XII. APPEAL TERMINATED WITHOUT DECISION ON THE MERITS

**RV-8-10**

Petitioner	AFSCME, Council 31	Appeal Date	9/15/09
Agency	DHS & CMS	Decision Date	5/26/10
Type	Rule Violation	ALJ	Daniel Stralka
Issue(s)	Use of personal service contracts in violation of Section 4 of the Personnel Code	Proposal for Decision	Dismissed subject to Commission approval; withdrawn.

**DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION TO GRANT THE MOTION TO DISMISS IN THE ABOVE MATTER?**

XIII. REVIEW OF EXECUTIVE SESSION MINUTES PURSUANT TO OPEN MEETINGS ACT

**AFTER REVIEW OF THE EXECUTIVE SESSION MINUTES PURSUANT TO THE OPEN MEETINGS ACT, WILL THE COMMISSION AGREE THAT THE NEED FOR CONFIDENTIALITY STILL EXISTS?**

XIV. STAFF REPORT

XV. ANNOUNCEMENT OF NEXT MEETING

**The next regular meeting is to be held on Friday, July 16, 2010 at 11:00 a.m. in the Commission's Chicago office.**

XVI. MOTION TO ADJOURN